

FORM PTO-1390 (REV. 12-2004)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 1454.1676
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.56) 10/568976
INTERNATIONAL APPLICATION NO. PCT/EP2004/051811	INTERNATIONAL FILING DATE 17 August 2004		PRIORITY DATE CLAIMED 18 August 2003	
TITLE OF INVENTION METHOD FOR SELECTION OF AN AVAILABLE TRANSMISSION CHANNEL BY SENDING A NEGATIVE DECISION VALUE AND AN ADDITIONAL POSITIVE DECISION VALUE AND CORRESPONDING BASE STATION, MOBILE TERMINAL AND MOBILE RADIO NETWORK				
APPLICANT(S) FOR DO/EO/US Maik BIENAS et al.				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input checked="" type="checkbox"/> A substitute specification, including marked-up copy. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input checked="" type="checkbox"/> A copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: PCT/ISA/220; PCT/ISA/210; PCT/ISA/237 with Supplemental sheet and translation				

U.S. APPLICATION NO. (If known, see 37 CFR 1.16)	INTERNATIONAL APPLICATION NO. PCT/EP2004/051811			ATTORNEY'S DOCKET NUMBER 1454.1676																				
<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <table> <tr> <td><input checked="" type="checkbox"/> a) Basic National Fee</td> <td>\$300.00</td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> b) Examination Fee</td> <td></td> </tr> <tr> <td>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4)</td> <td>\$0</td> </tr> <tr> <td>All other situations</td> <td>\$200.00</td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> c) Search Fee (37 CFR 1.492(b))</td> <td></td> </tr> <tr> <td>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4)</td> <td>\$0</td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority....</td> <td>\$100</td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB</td> <td>\$400</td> </tr> <tr> <td>All other situations</td> <td>\$500</td> </tr> <tr> <td colspan="2">TOTAL OF ABOVE CALCULATIONS = \$ ***</td> </tr> </table>					<input checked="" type="checkbox"/> a) Basic National Fee	\$300.00	22. <input checked="" type="checkbox"/> b) Examination Fee		If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4)	\$0	All other situations	\$200.00	23. <input checked="" type="checkbox"/> c) Search Fee (37 CFR 1.492(b))		If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4)	\$0	Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority....	\$100	International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB	\$400	All other situations	\$500	TOTAL OF ABOVE CALCULATIONS = \$ ***	
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<p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each addition 50 sheets of paper or fraction thereof.</p>																								
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Rate																					
* - 100 =	*/50=		X 250.00																					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).																								
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																				
Total claims	18- 20 =	0	x \$50.00	\$0.00																				
Independent claims	5- 3 =	2	X \$200.00	\$400.00																				
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$																				
TOTAL OF ABOVE CALCULATIONS = \$																								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																								
SUBTOTAL = \$																								
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).																								
TOTAL NATIONAL FEE = \$1,400.00																								
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$																								
TOTAL FEES ENCLOSED = \$1,400.00																								
Amount to be refunded: \$																								
Amount to be charged: \$																								

a. A check in the amount of \$1,400.00 to cover the above fees is enclosed.
b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-3935. A duplicate copy of this sheet is enclosed. **PAP2006**
d. Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Staas & Halsey LLP
1201 New York Avenue, N.W., 7th Floor
Washington, DC 20005

Richard A. Golhofer

SIGNATURE

Richard A. Golhofer

NAME

2/21/06

Date

31,106

REGISTRATION NUMBER